

E OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

PAGE 2 OF 8

## RULES VIOLATION REPORT - PART C

|                                       |   |                           |                        |                          |
|---------------------------------------|---|---------------------------|------------------------|--------------------------|
| CDC NUMBER<br>J-25333                 | INMATE'S NAME<br>JANOE  | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL | TODAY'S DATE<br>07/05/06 |
| <input type="checkbox"/> SUPPLEMENTAL | <input checked="" type="checkbox"/> CONTINUATION OF: <input checked="" type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER |                           |                        |                          |

The Security and Investigations Unit discovered that 10 altered checks were mailed to Inmate Janoe, J25333/A1-150 from his brother, Brett H. Janoe, from April 27, 2006 through May 30, 2006.

Brett H. Janoe is currently in custody at the West Valley Detention Facility, San Bernardino Sheriff's Dept., for Burglary. The Security & Investigations Unit was able to verify that 5 of the checks were confirmed stolen and 4 of the following checks were deposited into Janoe's trust account. (See attached copies of Trust Account Statement).

1. \$2,021.51, #010006 from Phoenix Millwork Distributors, Inc. deposited on 4-27-06.
2. \$1,298.02, #6872 from Millwork Products, Inc. deposited on 4-27-06.
3. \$222.20, Stater Bros. Inc, Money Order #47644617207 deposited on 4-27-06.
4. \$239.98, Travelers Express, Money Order #47541474860

The total amount deposited in Janoe's Inmate Trust account totals some \$3,771.71 dollars

Inmate Janoe's current balance in his trust account is \$4,345.03.

Although Inmate Janoe wasn't in a position to view the incoming checks, Inmate Janoe received monthly statements from the Calipatria Accounting Dept, indicating deposits to his account had been made, which would have given him knowledge of his account activities and current funds balance available.

On July 3, 2006, CAL Accounting Dept. reported, Janoe's deposits into his account from April 27, 2006 through May 30, 2006 was approximately \$4,909.53 dollars.

A cash withdrawal in the amount of \$530.30 dollars was withdrawn from the account prior to CAL Accounting's discovery of the altered checks.

A review of Janoe's Trust Account Statement and activity prior to the \$2,021.51 dollar deposits on April 27, 2006 clearly indicated an available zero balance.

Inmate Janoe is not a participant in the Mental Health Services Delivery System.

Inmate Janoe is aware of this report.

|   |  |                        |                     |
|---|--|------------------------|---------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br>S. CRITTENDON, Correctional Officer | DATE SIGNED<br>7/11/06 |                     |
|   | GIVEN BY: (Staff's Signature)                              | DATE SIGNED<br>7-12-06 | TIME SIGNED<br>1440 |

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

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## RULES VIOLATION REPORT - PART C

|   |                        |                           |                        |                          |
|---|------------------------|---------------------------|------------------------|--------------------------|
| CDC NUMBER<br>J-25333   | INMATE'S NAME<br>JANOE | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL | TODAY'S DATE<br>07/05/06 |
| <input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input checked="" type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER |                        |                           |                        |                          |

The third (3<sup>rd</sup>) check serial #206430 was generated by East Valley Water District (EVWD), P.O. Box 3427 San Bernardino Ca, for the amount of \$3,187.00 with a hand written letter enclosed, dated 5-16-06 from Brett Janoe.

CAL Accounting Office received the checks on May 17, 2006. The checks are endorsed to Inmate Janoe, J25333, by typing in bold letters over the original endorsee name. A hand written 2-page letter, dated 5-16-06 was also enclosed with check #206430 and stated the following: The hand written letter indicated that "Bret Janoe" has a court case coming up next month and he needs to raise \$300,000.00 dollars to fight his case from the streets.

Bret's homeboy (unknown at this time) enclosed \$5,000 dollars for you (Referring to Inmate Janoe) plus another \$5,000.00 dollars. Bret tells (Inmate Janoe) once it clears his account, take half of it and send the other half (\$5,000.00 dollars) back him in a State of California check. (See attached)

On June 23, 2006, (CAL) Accounting Dept Personnel reported that Inmate Janoe submitted a Trust Account Withdrawal Order dated, May 25, 2006 for the amount of \$1100.00 dollars, for Financial Assistance to his mother Marilyn Janoe, P.O. Box 843, Rialto Ca. 92377. (See attached copy of Janoe's Inmate Trust Withdrawal Form) On June 20, 2006, at approximately 1130 hours, I conducted a cell search inside Inmate Janoe's cell and discovered the following 6 empty envelopes. (See attached copies of envelopes)

1. Envelope dated April 24, 2006 with a return address with the name Brett Janoe, P.O. Box 651, Running Springs, Ca. 92382 containing 2 money orders #47644617207 and #08-488156874 for a combined total in the amount of \$222.20.
2. Envelope dated April 24, 2006 with a return address with the Initials B.J., 651, RS, Ca. 92382, with check #010006 for the amount of \$2,021.51 with a hand written note from Brett Janoe telling his brother Inmate Janoe, "Let me know what you need!" "I'll send more money in a couple of days".
3. Envelope dated April 24, 2006 with a return address with the Initials B.J. 652, RS, Ca. 92382 with check #6872 for the amount of \$1,298.02 with a hand written note of check amounts and balances from Inmate Janoe.
4. Envelope dated May 02, 2006 with a return address P.O. Box 651 R. S. Calif. 92382 containing 3 money orders #7-41909243, #47541474860 for the amount of \$239.98, #48035015842.
5. Envelope dated May 02, 2006 with a return address P.O. Box 651 R.S. Calif. with checks #8164598 and #724788.
6. Envelope dated May 30, 2006 with no return address with check #206430 for the amount of \$3,187.00 dollars written on it.

On Thursday, June 21, 2006, at approximately 1530 hours, San Bernardino Sheriff's Dept. Twin Peaks Detective Pelkey called. Detective Pelkey confirmed that Bret Harvey Janoe and 2 other suspects were arrested for a Burglary of a United States Post Office on May 31, 2006, and are currently in West Valley Detention Facility, located in San Bernardino Ca. (Report #050602045).

RVR continued on CDC-115 Part C

|   |  |                        |
|---|--|------------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br>S. CRITTENDON, Correctional Officer | DATE SIGNED<br>7/11/06 |
|   | GIVEN BY: (Staff's Signature)<br><i>[Signature]</i>        | DATE SIGNED<br>7-12-06 |
|   |  | TIME SIGNED<br>1440    |

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

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|  |                        |                           |                        |                          |
|--|------------------------|---------------------------|------------------------|--------------------------|
| CDC NUMBER<br>J-25333  | INMATE'S NAME<br>JANOE | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL | TODAY'S DATE<br>07/05/06 |
| <input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input checked="" type="checkbox"/> OTHER |                        |                           |                        |                          |

Inmate Janoe was provided copies of the following documents:

Five (5) of the checks listed below were confirmed stolen by the Security & Investigations Units, 4 of the following checks and/or money orders were deposited into Janoe's trust account.

1. Deposit of \$2,021.51, #010006 from Phoenix Millwork Distributors, Inc.
2. Deposit of \$1,298.02, #6872 from Millwork Products, Inc.
3. Deposit of \$222.20, "Stater Bros. Inc", Money Order #47644617207.
4. Deposit of \$239.98, Travelers Express, Money Order #47541474860.
5. Deposit of \$111.72, from an unknown source at this time.
6. Deposit of \$100.00, from an unknown source at this time.
7. Deposit of \$530.98, from an unknown source at this time.
8. Deposit of \$152.30, from an unknown source at this time.
10. Deposit of check # 8164598, \$225.74, from an unknown source at this time.
11. Deposit of check # 7247788, \$503.98, from an unknown source at this time.
12. Check serial #146931907 for the amount of \$5,727.19
13. Check serial #146931908 for the amount of \$5,190.87
14. Check serial # 206430 for the amount of \$3,187.00
15. Handwritten latter dated 5/16/06. (2 pages)
16. CDC-193 Trust Account Withdrawal Order dated May 25, 2006 for the amount of \$1100.00 signed by Inmate Janoe and noted and dated 5/29/06 by a CC1 staff member.
17. Six (6) enveloped addressed to Inmate Janoe notating items #1 through #11 listed above as being enclosed.
18. Handwritten calculations of amounts received recovered from Inmate Janoe's cell by S&I Officer Crittendon on June 20, 2006.
19. CDC Inmate Trust Account Activity report for Inmate Janoe (J-25333). (2 pages)
20. Memorandum dated June 13, 2006, authored by V. Canada, Security and Investigations.

|   |  |                        |
|---|--|------------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br><i>[Signature]</i><br>S. CRITTENDON, Correctional Officer | DATE SIGNED<br>7/11/06 |
|   | GIVEN BY: (Staff's Signature)<br><i>[Signature]</i>                              | DATE SIGNED<br>7-12-06 |
|   |  | TIME SIGNED<br>1440    |

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

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|  |   |             |             |              |
|--|---|-------------|-------------|--------------|
| CDC NUMBER                                       | INMATE'S NAME   | LOG NUMBER  | INSTITUTION | TODAY'S DATE |
| J-25333  | JANOE   | 07-06-A-005 | CSP-CAL     | 07/05/06     |
| <input checked="" type="checkbox"/> SUPPLEMENTAL | <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER |             |             |              |

On Tuesday, June 13, 2006, at approximately 1000 hours, while performing my duties as Security & Investigations (S&I) Officer #5, I received two (2) separate envelopes addressed to Inmate Bobby Janoe J25333/A1-150 from the Inmate Trust Account Office Technician W. Neciuk. The first letter contained two (2) separate checks entitled "Medicare Payment", both made out to J. Robert West MD Inc. P.O. Box 2150 Redlands, CA 92373-0701 and to Bobby Janoe #J25333 in a visibly bolder font, (see attached copies). The first check serial number was #146931908 made in the amount of \$5,190.87 and the second check serial number was #146931907 made in the amount of \$5,727.19. The second envelope contained a letter dated "5-16-06" and a third check from East Valley Water District" written to "Bobby Janoe #J25333" PO Box 5069 San Bernardino, CA 92412-5069. It should be noted Inmate Janoe's name is in a visibly bolder font and appears to be written over another person's name. The serial number is 206430 and made in the amount of \$3,187.00. The envelopes of both the first and second check were postmarked San Bernardino May 17, 2006. The return address for both envelopes was:

"B  
Box 651  
R.S., Ca 92382"

I advised S&I Sergeant (Sgt.) S. Rutledge of the information and placed the original envelopes, three (3) checks, and the letter into evidence locker #10 at Central Control. A copy of this report was turned over to S&I Officer S. Crittendon as part of an ongoing investigation into illegal activities by Inmate Janoe.

Security and Investigations at Calipatria State Prison will continue to monitor the activities of the inmates whose names appear in this report. Their involvement in illegal activities should be closely monitored and documented when new information is discovered.

It should be noted that the information contained in this report was originally deemed Confidential in nature due to an on going investigation. Due to the completion of the investigation it has been reclassified as non-Confidential, (refer to Memorandum #IUR 06-026, dated June 14, 2006, authored by S&I Officer S. Crittendon).

The information on this report does meet the criteria for reliability per CCR Title 15, Section 3321 (c) (4):

Part of the information provided is corroborated through investigation or by information provided by non-confidential sources.

I request a copy of this report be placed in the General Section of Inmate Janoe's J25333 Central File.

Inmate JANOE is not a participant of the Mental Health Delivery System (MHSDS).

Inmate JANOE is aware of this report.

This concludes my report.

|   |  |                        |
|---|--|------------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br>V. Canada, Correctional Officer | DATE SIGNED<br>7/11/06 |
|   | GIVEN BY: (Staff's Signature)<br><i>[Signature]</i>    | DATE SIGNED<br>7-12-06 |
|   |  | TIME SIGNED<br>1440    |



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 6 OF 8

|                                       |   |                           |                        |                          |
|---------------------------------------|---|---------------------------|------------------------|--------------------------|
| CDC NUMBER<br>L-25333                 | INMATE'S NAME<br>JANOE  | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL | TODAY'S DATE<br>07/14/06 |
| <input type="checkbox"/> SUPPLEMENTAL | <input checked="" type="checkbox"/> CONTINUATION OF: <input checked="" type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER |                           |                        |                          |

I placed the original envelope and the (2) two money orders into evidence locker number #5 located in Central Control. A copy of this report is being submitted as a supplemental report to the ongoing investigation into illegal activities by Inmate Janoe.

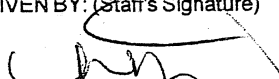
S&I at Calipatria State Prison will continue to monitor the activities of those inmates whose names appear in this report. Their involvement in illegal activities should be closely monitored and documented when new information is discovered.

This information does meet the criteria for Confidentiality per California Code of Regulations (CCR), Title 15, section; §3321(c) (4). Part of the information provided is corroborated through investigation or by information provided by non-confidential sources.

I request that a copy of this report be placed in the general section of Inmate Janoe's Central File.

Inmate Janoe is not a participant of the Mental Health Delivery System (MHSDS). Inmate Janoe is aware of this report.

This concludes my report.

|   |  |                        |
|---|--|------------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br>V. Canada, Correctional Officer   | DATE SIGNED<br>7-17-06 |
|   | GIVEN BY: (Staff's Signature)<br> | DATE SIGNED<br>0820    |

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 7 OF 8

|                                       |  |   |                                  |                                    |
|---------------------------------------|--|---|----------------------------------|------------------------------------|
| CDC NUMBER<br>J-25333                 | INMATE'S NAME<br>JANOE                               | LOG NUMBER<br>07-06-A-005                             | INSTITUTION<br>CSP-CAL           | TODAY'S DATE<br>07/14/06           |
| <input type="checkbox"/> SUPPLEMENTAL | <input checked="" type="checkbox"/> CONTINUATION OF: | <input checked="" type="checkbox"/> 115 CIRCUMSTANCES | <input type="checkbox"/> HEARING | <input type="checkbox"/> IE REPORT |
| <input type="checkbox"/> OTHER        |  |   |                                  |                                    |

On Friday, July 14, 2006, at approximately 0800 hours, while performing my duties as Security and Investigations (S&I) Officer #5, I was advised by S&I Sergeant (Sgt) Rutledge that two (2) additional money orders serial #57-42718592 for the amount of \$287.67 dollars and serial #08-532968393 for the amount of \$86.00 dollars addressed to Bobby Janoe (J-25333, A1-150) had been confiscated from Calipatria State Prison (CAL) Inmate Trust Account Office Personnel. CAL Accounting Office received the checks on July 12, 2006 via United State Postal Services. The two (2) additional money orders appeared to be stolen checks, which relate to an investigation conducted by CAL Security and Investigations Officer S. Crittedon completed on July 5, 2006, during which Inmate Janoe was identified as receiving stolen checks.

The envelope containing the (2) two money orders were addressed to:

"Bobby Janoe J-25333  
Unit A1-150  
P.O. Box 5002  
Calipatria, Calif 92233  
Enclosed \$287.67  
\$86.00  
\$373.67  
Enjoy Bro"

The post date on the envelope is July 12, 2006 from San Bernardino and the return address is:

"Robert"  
Box 1707  
S.B. Ca 92408

The first money order confiscated was from Continental Express" Money Order Company Inc. serial #57-42718592 for the amount of \$287.67 dollars made payable to "Bobby Janoe, Account # J-25333". The money order was typed out, however the information was hand written in visibly bolder black ink similar to the previous checks determined to be stolen.

The second money order confiscated was from "Western Union" Money Order Company Inc. serial #08-532968393 for the amount of \$86.00 dollars made payable to "Bobby Janoe, Account # J-25333". The money order was typed out, however the information was hand written in visibly bolder black ink similar to the previous checks determined to be stolen.

It should be noted that earlier checks and money orders received by Inmate Janoe contained similar handwriting covering up the true intended recipients name and personal information were determined to be stolen.

RVR continued on CDC-115 Part C

|   |  |                        |
|---|--|------------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br>V. Canada, Correctional Officer | DATE SIGNED<br>7-17-06 |
|   | GIVEN BY: (Staff's Signature)                          | DATE SIGNED<br>08-02   |
|   |  | TIME SIGNED<br>7:17-6  |

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 8 OF 8

|                                       |   |                           |                        |                          |
|---------------------------------------|---|---------------------------|------------------------|--------------------------|
| CDC NUMBER<br>J-25333                 | INMATE'S NAME<br>JANOE  | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL | TODAY'S DATE<br>07/17/06 |
| <input type="checkbox"/> SUPPLEMENTAL | <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER |                           |                        |                          |

On, May 17, 2006 at approximately 1000 hours, while performing my duties processing monies received from the institutional mail room, I discovered that check(s) serial #146931907 for the amount of \$5,727.19 and check serial #146931908 for the amount of \$5,190.87 appeared to have been altered. Calipatria State Prison (CAL) Inmate Trust Account Office Personnel received the checks via the institutional mail. I notified Security and Investigations (S&I) Officer #5 V. Canada that I had received, 2 original checks serial #146931907 for the amount of \$5,727.19 and check serial #146931908 for the amount of \$5,190.87 endorsed for payment to a J. Robert West MD Inc, P.O. Box 2150, Redlands Ca. 92373-0701 and below the physician's name typed in bold letters and underlined, was Inmate Janoe, J25333/A1-150, underneath the original endorsee. Both checks were generated by National Heritage Insurance Company (NHIC) for Medicare Payment. On Tuesday, June 13, 2006, at approximately 1000 hours, I relinquished the checks to Squad Officer Canada.

Inmate Janoe is not a participant of the Mental Health Delivery System (MHSDS).

|   |   |                        |                     |
|---|---|------------------------|---------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br>G. SHEPHERD <i>G. Shepherd</i> | DATE SIGNED<br>7/18/06 |                     |
|   | GIVEN BY: (Staff's Signature)<br><i>Chavez</i>        | DATE SIGNED<br>7-18-06 | TIME SIGNED<br>1105 |

# **LODGMENT 5**



STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS  
**SERIOUS RULES VIOLATION REPORT**

|                              |                               |                                    |                       |                               |                               |
|------------------------------|-------------------------------|------------------------------------|-----------------------|-------------------------------|-------------------------------|
| CDC NUMBER<br><b>J-25333</b> | INMATE'S NAME<br><b>JANOE</b> | VIOLATED RULE NO(S)<br><b>3012</b> | DATE<br><b>7/5/06</b> | INSTITUTION<br><b>CSP-CAL</b> | LOG NO.<br><b>07-06-A-005</b> |
|------------------------------|-------------------------------|------------------------------------|-----------------------|-------------------------------|-------------------------------|

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☒ YES ☐ NO

**POSTPONEMENT OF DISCIPLINARY HEARING**

|   |  |                        |
|---|--|------------------------|
| <input checked="" type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution. | INMATE'S SIGNATURE<br><i>[Signature]</i> | DATE<br><b>7-12-06</b> |
| <input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.                   | INMATE'S SIGNATURE                       | DATE                   |

|                                 |             |
|---------------------------------|-------------|
| DATE NOTICE OF OUTCOME RECEIVED | DISPOSITION |
|---------------------------------|-------------|

|  |                    |      |
|--|--------------------|------|
| <input type="checkbox"/> I REVOKE my request for postponement. | INMATE'S SIGNATURE | DATE |
|--|--------------------|------|

**STAFF ASSISTANT**

|  |  |                    |      |
|--|--|--------------------|------|
| <input type="checkbox"/> REQUESTED               | <input type="checkbox"/> WAIVED BY INMATE                  | INMATE'S SIGNATURE | DATE |
| <input type="checkbox"/> ASSIGNED                | DATE   | NAME OF STAFF      |      |
| <input checked="" type="checkbox"/> NOT ASSIGNED | REASON<br><b>does not meet criteria per CCR 3315(d)(2)</b> |                    |      |

**INVESTIGATIVE EMPLOYEE**

|  |  |                                 |      |
|--|--|---------------------------------|------|
| <input type="checkbox"/> REQUESTED               | <input type="checkbox"/> WAIVED BY INMATE                  | INMATE'S SIGNATURE              | DATE |
| <input checked="" type="checkbox"/> ASSIGNED     | DATE<br><b>7-12-06</b>                                     | NAME OF STAFF<br><b>N. MESA</b> |      |
| <input checked="" type="checkbox"/> NOT ASSIGNED | REASON<br><b>does not meet criteria per CCR 3315(d)(1)</b> |                                 |      |

EVIDENCE / INFORMATION REQUESTED BY INMATE:

**WITNESSES**

|  |  |   |   |
|--|--|---|---|
| WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS) |  |   |   |
| <input type="checkbox"/> REPORTING EMPLOYEE                          | <input type="checkbox"/> STAFF ASSISTANT | <input type="checkbox"/> INVESTIGATIVE EMPLOYEE | <input checked="" type="checkbox"/> NONE      |
| WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)                        | GRANTED                                  | NOT GRANTED                                     | WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER) |
|  | <input type="checkbox"/>                 | <input type="checkbox"/>                        |   |
|  | <input type="checkbox"/>                 | <input type="checkbox"/>                        |   |

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

|   |   |  |                        |
|---|---|--|------------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-A GIVEN INMATE            | BY: (STAFF'S SIGNATURE)<br><i>[Signature]</i> | INVESTIGATOR'S SIGNATURE<br><i>[Signature]</i> | DATE<br><b>7/12/06</b> |
| <b>40 VITELS served the 115A on 7/12/06 as noted on the 115, see attached</b> |   | TIME<br><b>1440</b>                            | DATE<br><b>7/12/06</b> |

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 2 OF 12

|                                       |  |                           |                           |                          |
|---------------------------------------|--|---------------------------|---------------------------|--------------------------|
| CDC NUMBER<br>J-25333                 | INMATE'S NAME<br>JANOE   | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL-IV | TODAY'S DATE<br>08/04/06 |
| <input type="checkbox"/> SUPPLEMENTAL | <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER |                           |                           |                          |

On Friday, August 4, 2006, at approximately 1505 hours, Inmate JANOE, CDC# J-25333, appeared before me for adjudication of this Rules Violation Report (RVR). I introduced myself as the Senior Hearing Official (SHO) for this disciplinary hearing and explained the hearing rules and procedures. Inmate JANOE stated that he was in good health, and acknowledged receipt of all reports 24 hours prior to this hearing and was ready to proceed with this hearing. All time constraints and due processes *have* been met. Inmate JANOE acknowledged receipt of all reports and/or pertinent documents more than twenty-four (24) hours in advance of the hearing as required per CCR §3320 (c)(2). Inmate JANOE *is not* a participant in the Mental Health Services Delivery System (MHSDS), Disability Placement Program (DPP), or the Developmental Disability Program (DPP). Inmate JANOE *does not* appear on the Testing Literacy Report as having a TAFE score of 4.0 or below.

**STAFF ASSISTANT:** A Staff Assistant was not assigned: per §3315(d) (2).

**INVESTIGATIVE EMPLOYEE:** An Investigative Employee was not assigned per §3315(d) (1).

Inmate JANOE requested that his hearing *not be* postponed pending resolution of possible referral to the District Attorney's office for criminal prosecution as indicated by his signature on the CDC Form 115-A..

**INMATE'S PLEA:** The charges were read to Inmate JANOE, and he plead "**NOT GUILTY.**"

**INMATE'S STATEMENT:** Inmate JANOE made the following statement:

"I have not seen my brother in over twenty years. The last time I saw him he stole property from me and my mom and then he disappeared. I am surmising that he took it and sold it for money, now this is twenty years later. I have been down for Fifteen years. So out of the blue, my other brother "Brian Scott" just happened to run into Brent's former wife. I do not know her name, but they said lets go talk to Brent. I do not know what they were talking about, but I'm guessing that Brent told Brian that I was in prison. Brent tells him that I am doing good and he stated that I will shoot him some funds. That basically the end of there meeting and he left with Brent's former wife"

Brent went to see our mom and she is mad because he stole property from her.

Inmate stated that he had three (3) typed declarations from his mother, his brother Brian Scott and his own declaration.

The SHO elected to review the declarations submitted the sworn declarations as Inmate Janoe's continued statement

**WITNESSES:** Inmate chose not to have witnesses at this hearing.

(Continued on CDC-115 RVR Part C)

|   |   |                        |                     |
|---|---|------------------------|---------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br>J. Sigler, Correctional Lieutenant | DATE SIGNED<br>8/4/06  |                     |
|   | GIVEN BY: (Staff's Signature)<br>J. Olivarez              | DATE SIGNED<br>8/24/06 | TIME SIGNED<br>2000 |

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

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|                                       |   |  |                                  |                                    |
|---------------------------------------|---|--|----------------------------------|------------------------------------|
| CDC NUMBER<br>J-25333                 | INMATE'S NAME<br>JANOE                    | LOG NUMBER<br>07-06-A-005                  | INSTITUTION<br>CSP-CAL-IV        | TODAY'S DATE<br>08/04/06           |
| <input type="checkbox"/> SUPPLEMENTAL | <input type="checkbox"/> CONTINUATION OF: | <input type="checkbox"/> 115 CIRCUMSTANCES | <input type="checkbox"/> HEARING | <input type="checkbox"/> IE REPORT |
| <input type="checkbox"/> OTHER        |   |  |                                  |                                    |

Declaration submitted by Inmate Janoe, for one Brian Scott Janoe which states in part"

1. I do have personal knowledge of the facts stated herein, of Bret Harvey Janoe contacting Bobby Shawn Janoe in the months of April to May 2006, and could testify to there truth if called as a witness.

2. Approximately the second week of April 2006, I ran into Bret's former wife by accident. I had not seen Bret in approximately twenty years. Bret's former wife took me to see Bret. Upon meeting Bret, he stated to me that he was doing good and staying out of trouble. Bret asked about Bobby Shawn Janoe, as how he was doing. Bret was distressed to learn Bobby Shawn Janoe was in prison at Calipatria state Prison. Bret stated that he would try and send Bobby Shawn Janoe some funds when he could.

3. To be honest, I did not believe Bret's comments as we talked. But I wanted to believe he had changed for the better, and gave him the benefit of the doubt, as to there truthfulness.

Declaration submitted by Inmate Janoe, for one Marilyn Janoe which states in part:

1. I do have personal knowledge of the facts stated herein, of Bret Harvey Janoe contacting Bobby Shawn Janoe in the months of April to May 2006, and could testify to there truth if called as a witness.

3. Approximately the third (third) week of April 2006 as I spoke to Bobby Shawn Janoe on the telephone, I mentioned that Brian had seen Bret and Bret said he was doing good and would try to send him some funds when he got a chance. Bobby Shawn Janoe was skeptical of Bret and really did not want to talk about Bret, as Bret had stolen his property twenty years earlier.

Declaration submitted by Inmate Janoe which states in part:

1. I do have personal knowledge of the facts stated herein and could testify to there truth if called as a witness.

2. Approximately the third (third) week of April 2006, I was talking with my mother, Marilyn Janoe, on the telephone. She mentioned that my brother Brian Scott Janoe had ran into Bret Harvey Janoe's former wife by accident; that brian went to visit with Bret; that Bret stated he was doing good; that Bret was distressed to learn Bobby Shawn Janoe was in prison at Calipatria State Prison; that Bret stated he would try to send some funds when he could.

3. I was skeptical about the news of Bret, and did not want to talk about Bret, as he had stolen my property about twenty years earlier and did disappear.

(Continued on CDC-115 RVR Part C)

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|---|---|------------------------|---------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br>J. Sigler, Correctional Lieutenant | DATE SIGNED<br>8/4/06  |                     |
|   | GIVEN BY: (Staff's Signature)<br>S. Olivarez              | DATE SIGNED<br>8/24/06 | TIME SIGNED<br>2000 |

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

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|---|------------------------|---------------------------|---------------------------|--------------------------|
| CDC NUMBER<br>J-25333   | INMATE'S NAME<br>JANOE | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL-IV | TODAY'S DATE<br>08/04/06 |
| <input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____ |                        |                           |                           |                          |

4. Approximately the last week of April 2006, I received two envelopes with no letters in them, but there was numerical writing on the outside of the envelope and some other writing about obtaining a attorney for me. I had no ideal what was going on since I had not spoken to Bret in twenty years. I thought Bret was feeling guilty about stealing my property twenty years earlier and was trying to make amends by sending funds.
5. I wrote Bret and thanked him for the funds and told him not to give any funds to an attorney until he had spoken to me prior.
6. Approximately May 3, 2006, I turned in a trust account withdrawal form order to counselor Nava, for 99.00 dollars to my mother for financial aid.
7. I turned in a ducat for 75.00 dollars to go to canteen.
8. Approximately the 4<sup>th</sup> or 5<sup>th</sup> of May 2006, I received three more envelopes from Bret, with no letters inside, but with some numerical writing on the outside of the envelopes.
9. I wrote Bret once again thanking him for the funds and asked him what is going on.
10. Approximately May 24, 2006, I turned in a trust account withdrawal order to counselor Nava for 1,100.00 to my mother for financial aid.
11. I cannot remember when, but I did receive another envelope from Bret with some numerical writing on the outside of the envelope, but no letter inside.
12. Approximately June 19, 2006 the security and investigations unit rushed to my assigned cell in the am. They threw my property all over the cell and proceeded to confiscate every piece of paper in the cell; all letters; phone books; and photos. I asked Officer Canada what the problem was, but he refused to respond. I was escorted back to my assigned cell after the search was completed.
13. Approximately June 20, 2006, Officer Crittendon and Sergeant Rutledge returned all of my property, minus the six envelopes I had received from Bret. Officer Crittendon asked me to sign the Cell/Locker search receipt, to acknowledge they confiscated the six envelopes I had received from Bret and I did. I asked Officer Crittendon what was going on, but he refused to even discuss the matter at all. I asked Sergeant Rutledge what was going on, but he too refused to discuss the matter at all.
14. Approximately June 28, 2006 I turned in a trust account withdrawal order to counselor Nava for 350.00 dollars to the federal court in San Diego California.
15. I turned in a ducat for 50.00 dollars to go to canteen.

(Continued on CDC-115 RVR Part C)

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|---|---|------------------------|
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|   | GIVEN BY: (Staff's Signature)<br>S. Olivarez              | DATE SIGNED<br>8/24/06 |
|   |   | TIME SIGNED<br>2000    |



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

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|                                       |   |  |                                  |                                    |
|---------------------------------------|---|--|----------------------------------|------------------------------------|
| CDC NUMBER<br>J-25333                 | INMATE'S NAME<br>JANOE                    | LOG NUMBER<br>07-06-A-005                  | INSTITUTION<br>CSP-CAL-IV        | TODAY'S DATE<br>08/04/06           |
| <input type="checkbox"/> SUPPLEMENTAL | <input type="checkbox"/> CONTINUATION OF: | <input type="checkbox"/> 115 CIRCUMSTANCES | <input type="checkbox"/> HEARING | <input type="checkbox"/> IE REPORT |
| <input type="checkbox"/> OTHER        |   |  |                                  |                                    |

16. Approximately July 5, 2006 I turned in a trust account withdrawal order to counselor Nava for 100.00 dollars to go to the Superior Court in El Centro California.

17. Approximately July 10, 2006 I spoke to a counselor in 1 building about my trust, as my trust account withdrawals were not being processed.

18. Approximately July 11, 2006 I requested Officer Rodriguez to contact the trust account office to see what the problem was with my trust account. I spoke with Miss Weitceil in the trust account office, who stated that Lieutenant Stratton had put a freeze on the withdrawal of any funds from my account.

19. Approximately July 12, 2006 I was called to the program office on A-Yard, wherein facility Captain Nelson and Lieutenant Stratton informed me that I was being issued a Serious Rules Violation (115) for possession of stolen property and check fraud.

20. Approximately July 13, 2006, I typed a letter to Miss Weitceil, making a request that a notation be placed on my account, so that no personal checks be accepted for placement onto to my trust account ever again.

21. Approximately July 14, 2006 I received a copy of my trust account activity, wherein funds were being withdrawn from my account.

22. Approximately July 16 2006 I typed a letter to Miss Weitceil in the trust account office, explaining that funds were being withdrawn from my account and that those funds were ill gotten and no one could lay claim to those funds until the fraud investigation was completed.

Inmate Janoe stated that that there was no evidence that he had knowledge that the checks being deposited into his account were stolen.

Inmate Janoe inquired about the mail room procedure for processing monies and asked if staff were trained to identify altered checks. Inmate Janoe was advised that most mail is processed via a sorting machine. Envelopes are opened and if a check or money order is present the amount and type is notated on the outside of the envelope and forwarder to accounting for processing.

In review of the envelopes recovered from Inmate Janoes' cell, the SHO believes that Inmate Janoe knew that his brother "Bret" was depositing large amounts of funds into his account in a very short period of time. As documented on the attached Inmate Trust Account print out on the date of April 27, 2006, \$3,694.21 dollars were deposited into his account by Bret Janoe. However, Inmate Janoe stated in his declaration #3 "I was skeptical about the news of Bret, and did not want to talk about Bret, as he had stolen my property about twenty years earlier and did disappear

Within an eight day period, Inmate Janoe had a combined total of \$4,909.53 dollars placed into his trust account from a brother that he has identified as having once stolen personal property from him, yet claims that he had no knowledge that the funds being deposited were illegally obtained

(Continued on CDC-115 RVR Part C)

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|---|--|------------------------|---------------------|
| SIGNATURE OF WRITER<br>J. Sigler, Correctional Lieutenant             |  | DATE SIGNED<br>8/4/06  |                     |
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | GIVEN BY: (Staff's Signature)<br>S. Olivarez | DATE SIGNED<br>8/24/06 | TIME SIGNED<br>2000 |

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

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|                                       |   |                           |                           |                          |
|---------------------------------------|---|---------------------------|---------------------------|--------------------------|
| CDC NUMBER<br>J-25333                 | INMATE'S NAME<br>JANOE  | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL-IV | TODAY'S DATE<br>08/04/06 |
| <input type="checkbox"/> SUPPLEMENTAL | <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER |                           |                           |                          |

**FINDINGS:** Inmate JANOE found "Guilty" of violating CCR, Section §3012 for the specific act of "POSSESSION OF A STOLEN PROPERTY AND CHECK FRAUD." This finding was based on a preponderance of evidence submitted at the hearing, which is considered valid and does substantiate the charge. The evidence includes:

Information contained in incident package # CAL-CEN-06-07-0244, CDC-837 authored by Correctional Officer S. Crittendon dated July 11, 2006, CDC-837 supplemental authored by Correctional Office V. Cananda, CDC-837 authored by Accounting Clerk II P. Weitzel, CDC-115C, Supplemental Report authored by G. Shepherd, 2<sup>nd</sup> CDC-115 supplemental report authored by Correctional Office V. Cananda and Seventeen (17) photocopies of evidence collected and/or recovered from Inmate Janoe's cell.

1) The Reporting Employee's written Report, Which States: On Wednesday, July 5, 2006, Security and Investigations Unit concluded its investigation into numerous' altered checks received at Calipatria State prison (CAL) for Inmate Janoe (J-25333, A1-150).

On Tuesday, June 13, 2006, at approximately 1000 hours, Security and Investigations (S&I) Officer #5 V. Canada received 2 separate original checks serial #146931907 for the amount of \$5,727.19 and serial #146931908 for the amount of \$5,190.87 from Calipatria State Prison (CAL) Inmate Trust Account Office Personnel. CAL Accounting Office received the checks on May 17, 2006 via United State Postal Services.

The checks were endorsed for payment to J. Robert West MD Inc, P.O. Box 2150, Redlands Ca. 92373-0701 with Inmate Janoe, J25333/A1-150 name and CDCR number typed in bold letters and underlined underneath the original endorsee. National Heritage Insurance Company (NHIC) generated the checks.

The third (3<sup>rd</sup>) check serial #206430 was generated by East Valley Water District (EVWD), P.O. Box 3427 San Bernardino Ca, for the amount of \$3,187.00 with a hand written letter enclosed, dated 5-16-06 from Brett Janoe.

CAL Accounting Office received the checks on May 17, 2006. The checks are endorsed to Inmate Janoe, J25333, by typing in bold letters over the original endorsee name. A hand written 2-page letter, dated 5-16-06 was also enclosed with check #206430 and stated the following: The hand written letter indicated that "Bret Janoe" has a court case coming up next month and he needs to raise \$300,000.00 dollars to fight his case from the streets.

Bret's homeboy (unknown at this time) enclosed \$5,000 dollars for you (Referring to Inmate Janoe) plus another \$5,000.00 dollars. Bret tells (Inmate Janoe) once it clears his account, take half of it and send the other half (\$5,000.00 dollars) back to him in a State of California check. (See attached)

On June 23, 2006, (CAL) Accounting Dept Personnel reported that Inmate Janoe submitted a Trust Account Withdrawal Order dated, May 25, 2006 for the amount of \$1100.00 dollars, for Financial Assistance to his mother Marilyn Janoe, P.O. Box 843, Rialto Ca. 92377. (See attached copy of Janoe's Inmate Trust Withdrawal Form) On June 20, 2006, at approximately 1130 hours, I conducted a cell search inside Inmate Janoe's cell and discovered the following 6 empty envelopes. (See attached copies of envelopes)

(Continued on CDC-115 RVR Part C)

|   |  |                        |                     |
|---|--|------------------------|---------------------|
| SIGNATURE OF WRITER<br>J. Sigler, Correctional Lieutenant             |  | DATE SIGNED<br>8/4/06  |                     |
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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

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|   |                        |                           |                           |                          |
|---|------------------------|---------------------------|---------------------------|--------------------------|
| CDC NUMBER<br>J-25333   | INMATE'S NAME<br>JANOE | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL-IV | TODAY'S DATE<br>08/04/06 |
| <input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____ |                        |                           |                           |                          |

1. Envelope dated April 24, 2006 with a return address with the name Brett Janoe, P.O. Box 651, Running Springs, Ca. 92382 containing 2 money orders #47644617207 and #08-488156874 for a combined total in the amount of \$222.20.

2. Envelope dated April 24, 2006 with a return address with the Initials B.J., 651, RS, Ca. 92382, with check #010006 for the amount of \$2,021.51 with a hand written note from Brett Janoe telling his brother Inmate Janoe, "Let me know what you need!" "I'll send more money in a couple of days".

3. Envelope dated April 24, 2006 with a return address with the Initials B.J. 652, RS, Ca. 92382 with check #6872 for the amount of \$1,298.02 with a hand written note of check amounts and balances from Inmate Janoe.

(4. Envelope dated May 02, 2006 with a return address P.O. Box 651 R. S. Calif. 92382 containing 3 money orders #7-41909243, #47541474860 for the amount of \$239.98, #48035015842.

5. Envelope dated May 02, 2006 with a return address P.O. Box 651 R.S. Calif. with checks #8164598 and #724788.

6. Envelope dated May 30, 2006 with no return address with check #206430 for the amount of \$3,187.00 dollars written on it.

On Thursday, June 21, 2006, at approximately 1530 hours, San Bernardino Sheriff's Dept. Twin Peaks Detective Pelkey called. Detective Pelkey confirmed that Bret Harvey Janoe and 2 other suspects were arrested for a Burglary of a United States Post Office on May 31, 2006, and are currently in West Valley Detention Facility, located in San Bernardino Ca. (Report #050602045).

The Security and Investigations Unit discovered that 10 altered checks were mailed to Inmate Janoe, J25333/A1-150 from his brother, Brett H. Janoe, from April 27, 2006 through May 30, 2006.

Brett H. Janoe is currently in custody at the West Valley Detention Facility, San Bernardino Sheriff's Dept., for Burglary. The Security & Investigations Unit was able to verify that 5 of the checks were confirmed stolen and 4 of the following checks were deposited into Janoe's trust account. (See attached copies of Trust Account Statement).

1. \$2,021.51, #010006 from Phoenix Millwork Distributors, Inc. deposited on 4-27-06.
2. \$1,298.02, #6872 from Millwork Products, Inc. deposited on 4-27-06.
3. \$222.20, Stater Bros. Inc, Money Order #47644617207 deposited on 4-27-06
4. \$239.98, Travelers Express, Money Order #47541474860

The total amount deposited in Janoe's Inmate Trust account totals some \$3,771.71 dollars

(Continued on CDC-115 RVR Part C)

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|---|---|------------------------|
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|   | GIVEN BY: (Staff's Signature)<br>S. Olivarez              | DATE SIGNED<br>8/24/06 |
|   |   | TIME SIGNED<br>2000    |



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

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| CDC NUMBER<br>J-25333                 | INMATE'S NAME<br>JANOE  | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL-IV | TODAY'S DATE<br>08/04/06 |
| <input type="checkbox"/> SUPPLEMENTAL | <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER |                           |                           |                          |

Inmate Janoe's current balance in his trust account is \$4,345.03.

Although Inmate Janoe wasn't in a position to view the incoming checks, Inmate Janoe received monthly statements from the Calipatria Accounting Dept, indicating deposits to his account had been made, which would have given him knowledge of his account activities and current funds balance available.

On July 3, 2006, CAL Accounting Dept. reported, Janoe's deposits into his account from April 27, 2006 through May 30, 2006 was approximately \$4,909.53 dollars.

A cash withdrawal in the amount of \$530.30 dollars was withdrawn from the account prior to CAL Accounting's discovery of the altered checks.

A review of Janoe's Trust Account Statement and activity prior to the \$2,021.51 dollar deposits on April 27, 2006 clearly indicated an available zero balance.

2) CDC-837, Crime Incident Report authored by Officer Canada, Security and Investigations Officer #5 which states in part: "On Tuesday, June 13, 2006, at approximately 1000 hours, while performing my duties as Security & Investigations (S&I) Officer #5, I received two (2) separate envelopes addressed to Inmate Bobby Janoe J25333/A1-150 from the Inmate Trust Account Office Technician W. Neciuk. The first letter contained two (2) separate checks entitled "Medicare Payment", both made out to J. Robert West MD Inc. P.O. Box 2150 Redlands, CA 92373-0701 and to Bobby Janoe #J25333 in a visibly bolder font, (see attached copies).

The first check serial number was #146931908 made in the amount of \$5,190.87 and the second check serial number was #146931907 made in the amount of \$5,727.19. The second envelope contained a letter dated "5-16-06" and a third check from East Valley Water District" written to "Bobby Janoe #J25333" PO Box 5069 San Bernardino, CA 92412-5069. It should be noted Inmate Janoe's name is in a visibly bolder font and appears to be written over another person's name. The serial number is 206430 and made in the amount of \$3,187.00. The envelopes of both the first and second check were postmarked San Bernardino May 17, 2006. The return address for both envelopes was:

"B"  
Box 651  
R.S., Ca 92382"

I advised S&I Sergeant (Sgt.) S. Rutledge of the information and placed the original envelopes, three (3) checks, and the letter into evidence locker #10 at Central Control. A copy of this report was turned over to S&I Officer S. Crittendon as part of an ongoing investigation into illegal activities by Inmate Janoe.

Security and Investigations at Calipatria State Prison will continue to monitor the activities of the inmates whose names appear in this report. Their involvement in illegal activities should be closely monitored and documented when new information is discovered.

(Continued on CDC-115 RVR Part C)

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|---|---|------------------------|---------------------|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br>J. Sigler, Correctional Lieutenant | DATE SIGNED<br>8/4/06  |                     |
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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

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| <input type="checkbox"/> OTHER        |   |  |   |                                    |

It should be noted that the information contained in this report was originally deemed Confidential in nature due to an on going investigation. Due to the completion of the investigation it has been reclassified as non-Confidential, (refer to Memorandum #IUR 06-026, dated June 14, 2006, authored by S&I Officer S. Crittendon).

The information on this report does meet the criteria for reliability per CCR Title 15, Section 3321 (c) (4):  
Part of the information provided is corroborated through investigation or by information provided by non-confidential sources.

I request a copy of this report be placed in the General Section of Inmate Janoe's J25333 Central File.

3) 2<sup>nd</sup> CDC-837, Crime Incident Report authored by V. Canada, Security and Investigations Officer #5, which states: "On Friday, July 14, 2006, at approximately at approximately 0800 hours, while performing my duties as Security and Investigations (S&I) Officer #5, I was advised by S&I Sergeant (Sgt) Rutledge that two (2) additional money orders serial #57-42718592 for the amount of \$287.67 dollars and serial #08-532968393 for the amount of \$86.00 dollars addressed to Bobby Janoe (J-25333, A1-150) had been confiscated from Calipatria State Prison (CAL) Inmate Trust Account Office Personnel. CAL Accounting Office received the checks on July 12, 2006 via United State Postal Services. The two (2) additional money orders appeared to be stolen checks, which relate to an investigation conducted by CAL Security and Investigations Officer S. Crittendon completed on July 5, 2006, during which Inmate Janoe was identified as receiving stolen checks.

The envelope containing the (2) two money orders were addressed to:

"Bobby Janoe J-25333  
Unit A1-150  
P.O. Box 5002  
Calipatria, Calif. 92233  
Enclosed \$287.67  
\$86.00  
\$373.67  
Enjoy Bro"

The post date on the envelope is July 12, 2006 from San Bernardino and the return address is:

"Robert"  
Box 1707  
S.B. Ca 92408

The first money order confiscated was from Continental Express" Money Order Company Inc. serial #57-42718592 for the amount of \$287.67 dollars made payable to "Bobby Janoe, Account # J-25333". The money order was typed out, however the information was hand written in visibly bolder black ink similar to the previous checks determined to be stolen.

(Continued on CDC-115 RVR Part C)

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|---------------------------------------|--|---------------------------|---------------------------|--------------------------|
| CDC NUMBER<br>J-25333                 | INMATE'S NAME<br>JANOE   | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL-IV | TODAY'S DATE<br>08/04/06 |
| <input type="checkbox"/> SUPPLEMENTAL | <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER |                           |                           |                          |

The second money order confiscated was from "Western Union" Money Order Company Inc. serial #08-532968393 for the amount of \$86.00 dollars made payable to "Bobby Janoe, Account # J-25333". The money order was typed out, however the information was hand written in visibly bolder black ink similar to the previous checks determined to be stolen.

It should be noted that earlier checks and money orders received by Inmate Janoe contained similar handwriting covering up the true intended recipients name and personal information were determined to be stolen.

I placed the original envelope and the (2) two money orders into evidence locker number #5 located in Central Control. A copy of this report is being submitted as a supplemental report to the ongoing investigation into illegal activities by Inmate Janoe.

S&I at Calipatria State Prison will continue to monitor the activities of those inmates whose names appear in this report. Their involvement in illegal activities should be closely monitored and documented when new information is discovered.

4) CDC-837, Crime Incident Report authored by P. Weitzel, Accounting Clerk II which states in part: "On June 13, 2006, at approximately 0900 hours, while performing my duties as Accounting Clerk II in the main Inmate Trust Account Office, I was advised by Account Tech. W. Necuik and account Clerk II G. Shepherd that they had discovered two (2) checks that appeared to be stolen for Inmate Janoe (J-25333, A1-150L). I inspected the checks and noticed that the checks appeared to be altered in that Inmate Janoe's name and CDCR number, appeared to be in a visibly bolder font and was written over another person's name.

Based on my experience and training, I confirmed the checks to be of a suspicious nature and I believed these checks to be stolen.

I continued to maintain contact with S&I Officer Crittendon and was able to confirm through a review of Inmate Janoe's Trust Account that he had received approximately (over) \$4,345.03 that was posted to his Trust Account beginning April 27, 2006. Inmate Janoe had Trust Account withdrawals totaling \$529.52 in legal charges, filing fees, canteen and personal aid to his mother as noted on the original Trust Account Withdrawal orders signed by Inmate Janoe.

On Thursday, July 13, 2006, at approximately 1430 hours, Inmate Janoe's Trust Account Funds were frozen at the request of S&I Lt. G. Stratton, who advised me that the investigation into Inmate Janoe's illegal activities had been completed. Lt. Stratton advised me that Officer Crittendon had confirmed that through his contacts the checks and money orders had been stolen.

As a result of Inmate Janoe's actions and involvement in this illegal activity the State of California and Calipatria State prison has lost a total of approximately \$529.00(52). If the charges were to be reversed or stop payments issue(ed), the State would still incur a loss due to the services already being rendered.

(Continued on CDC-115 RVR Part C)

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| SIGNATURE OF WRITER<br>J. Sigler, Correctional Lieutenant             |  | DATE SIGNED<br>8/4/06  |                     |
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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 11 OF 12

|  |                        |                           |                           |                          |
|--|------------------------|---------------------------|---------------------------|--------------------------|
| CDC NUMBER<br>J-25333  | INMATE'S NAME<br>JANOE | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL-IV | TODAY'S DATE<br>08/04/06 |
| <input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER |                        |                           |                           |                          |

5) CDC-115C, Supplemental Report authored by G. Shepherd which states: "On, May 17, 2006 at approximately 1000 hours, while performing my duties processing monies received from the institutional mail room, I discovered that check(s) serial #146931907 for the amount of \$5,727.19 and check serial #146931908 for the amount of \$5,190.87 appeared to have been altered. Calipatria State Prison (CAL) Inmate Trust Account Office Personnel received the checks via the institutional mail. I notified Security and Investigations (S&I) Officer #5 V. Canada that I had received, 2 original checks serial #146931907 for the amount of \$5,727.19 and check serial #146931908 for the amount of \$5,190.87 endorsed for payment to a J. Robert West MD Inc, P.O. Box 2150, Redlands Ca. 92373-0701 and below the physician's name typed in bold letters and underlined, was Inmate Janoe, J25333/A1-150, underneath the original endorsee. Both checks were generated by National Heritage Insurance Company (NHIC) for Medicare Payment. On Tuesday, June 13, 2006, at approximately 1000 hours, I relinquished the checks to Squad Officer Canada.

6) Five (5) of the checks listed below were confirmed stolen by the Security & Investigations Units, 4 of the following checks and/or money orders were deposited into Janoe's trust account.

1. Deposit of \$2,021.51, #010006 from Phoenix Millwork Distributors, Inc.
2. Deposit of \$1,298.02, #6872 from Millwork Products, Inc.
3. Deposit of \$222.20, "Stater Bros. Inc", Money Order #47644617207.
4. Deposit of \$239.98, Travelers Express, Money Order #47541474860.
5. Deposit of \$111.72, from an unknown source at this time.
6. Deposit of \$100.00, from an unknown source at this time.
7. Deposit of \$530.98, from an unknown source at this time.
8. Deposit of \$152.30, from an unknown source at this time.
10. Deposit of check # 8164598, \$225.74, from an unknown source at this time.
11. Deposit of check # 7247788, \$503.98, from an unknown source at this time.
12. Check serial #146931907 for the amount of \$5,727.19
13. Check serial #146931908 for the amount of \$5,190.87
14. Check serial # 206430 for the amount of \$3,187.00
15. Handwritten latter dated 5/16/06. (2 pages)
16. CDC-193 Trust Account Withdrawal Order dated May 25, 2006 for the amount of \$1100.00 signed by Inmate Janoe and noted and dated 5/29/06 by a CC1 staff member.
17. Six (6) enveloped addressed to Inmate Janoe notating items #1 through #11 listed above as being enclosed.
18. Handwritten calculations of amounts received recovered from Inmate Janoe's cell by S&I Officer Crittendon on June 20, 2006.
19. CDC Inmate Trust Account Activity report for Inmate Janoe (J-25333). (2 pages)
20. Memorandum dated June 13, 2006, authored by V. Canada, Security and Investigations.

(Continued on CDC-115 RVR Part C)

|   |   |                     |                        |  |
|---|---|---------------------|------------------------|--|
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE | SIGNATURE OF WRITER<br>J. Sigler, Correctional Lieutenant |                     | DATE SIGNED<br>8/4/06  |  |
|   | GIVEN BY: (Staff's Signature)<br>S. Olivarez              |                     | DATE SIGNED<br>8/24/06 |  |
|   |   | TIME SIGNED<br>2006 |                        |  |

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

## RULES VIOLATION REPORT - PART C

PAGE 12 OF 12

|  |                        |                           |                           |                          |
|--|------------------------|---------------------------|---------------------------|--------------------------|
| CDC NUMBER<br>J-25333  | INMATE'S NAME<br>JANOE | LOG NUMBER<br>07-06-A-005 | INSTITUTION<br>CSP-CAL-IV | TODAY'S DATE<br>08/04/06 |
| <input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____ |                        |                           |                           |                          |

DISPOSITION: Inmate JANOE was assessed:

One Hundred and Fifty (150) days Forfeiture of Credits consistent with a Division "B" Offence.

Ninety (90) day's loss of phones starting August 4, 2006 and ending on November 3, 2006.

Ten (10) days loss of Yard starting, August 4, 2006 and ending August 13, 2006.

Ninety (90) day's temporary placement in privilege group "C" §3044 (f) (1) (B), starting on August 4, 2006 and to be released on November 3, 2006.


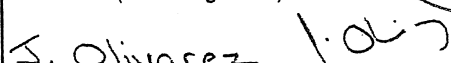
Inmate Trust Withdrawal Order in the amount Five-Hundred and twenty-nine dollars and 52 cents \$529.52 reimbursement for **loss of State funds**.

Based on the above findings the SHO is recommending that the remaining balance of \$3,816.41 currently in Inmate Janoe' Inmate Trust Account be placed into evidence pending referral to the Imperial Valley District Attorney for prosecution.

Inmate JANOE was counseled & reprimanded regarding (current offence) & advised of future program expectations.

Inmate JANOE was notified as to CCR §3327(a), **Non Restoration of Forfeited Credits, {Division "B" Offences}**.

Inmate JANOE was advised of his rights to appeal the findings and/or disposition of the hearing, pursuant to CCR §3084.1 and CCR §3312 (b) (1) and advised he would receive a completed copy of this hearing report upon final audit by the Chief Disciplinary Officer (CDO) whose review and signature affirms, reverses, or modifies this disciplinary action and constitutes the First Level of Review for appeal purposes.

|   |  |                        |                     |
|---|--|------------------------|---------------------|
| SIGNATURE OF WRITER<br><br>J. Sigler, Correctional Lieutenant |  | DATE SIGNED<br>8/4/06  |                     |
| <input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE   | GIVEN BY: (Staff's Signature)<br><br>S. Olivarez | DATE SIGNED<br>8/24/06 | TIME SIGNED<br>2000 |



# **LODGMENT 6**

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

Date: **MAR 14 2007**

In re: Janoe, J-25333  
Calipatria State Prison  
P.O. Box 5002  
Calipatria, CA 92233

IAB Case No.: 0607129

Local Log No.: CAL 06-02524

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner R. Floto. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log #07-06-A-005, dated July 5, 2006, for "Possession of Stolen Property and Check Fraud," a Division "B" offense. He claims that his due process rights were violated by finding him guilty of the offense. It is the appellant's position that he is not guilty of the RVR as charged. He requests dismissal of the RVR.

**II SECOND LEVEL'S ARGUMENT:** The reviewer found that the appellant was afforded all of his due process rights, including a fair and unbiased hearing. On July 5, 2006, the Security and Investigations Unit concluded an investigation regarding altered checks received by the appellant. He had received checks for \$5,727.19 and \$5,190.87, which had been determined to be altered. Investigation revealed that the appellant had received ten additional altered checks from his brother from April 27, through May 30, 2006, totaling \$3,771.71. The appellant had utilized some of the funds and was provided copies of his trust account balances that reflected deposit and withdrawal activities. The appellant was found guilty based upon a preponderance of evidence by an impartial Senior Hearing Officer (SHO). The appellant was assigned an Investigative Employee (IE) to assist him in the gathering of evidence. The SHO utilized the IE report during the hearing to render a decision. The appellant was assigned an Investigative Employee (IE) to assist him in the gathering of evidence. The SHO utilized the IE report during the hearing to render a decision. The appellant did not meet the criteria for the assignment of a Staff Assistant as there was no need for a confidential relationship; the issues are not complex; and the appellant is not illiterate and understands English. The appellant waived that witnesses be present at the hearing.

**III DIRECTOR'S LEVEL DECISION:** Appeal is denied.

**A. FINDINGS:** The appellant was afforded all due process rights in the adjudication of the RVR and all procedural guidelines were met. A preponderance of evidence was established by an impartial SHO to sustain the guilty finding. Reports reflect that the appellant has presented no new or compelling evidence in the appeal, which would warrant a modification of the decision reached by the institution.

**B. BASIS FOR THE DECISION:**  
California Code of Regulations, Title 15, Section: 3012, 3315, 3320, 3323

**C. ORDER:** No changes or modifications are required by the institution.

JANOE, J-25333  
CASE NO. 0607129  
PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CAL  
Appeals Coordinator, CAL

# **LODGMENT 7**



Name Bobby S. Janoe

MC-275

Address PO Box 5004Calipatria CA 92233CDC or ID Number J 25333SUPERIOR COURT OF CALIFORNIA  
COUNTY OF IMPERIAL  
(Court)Bobby S. Janoe

Petitioner

vs.

California Department of Corrections and  
Respondent Rehabilitation

## PETITION FOR WRIT OF HABEAS CORPUS

No. \_\_\_\_\_

(To be supplied by the Clerk of the Court)

## INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- ☐ A conviction
 ☐ Parole  
☐ A sentence
 ☐ Credits  
☐ Jail or prison conditions
 ☒ Prison discipline  
☐ Other (specify): \_\_\_\_\_

1. Your name: Bobby S. Janoe
2. Where are you incarcerated? calipatria state prison
3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Murder

- b. Penal or other code sections: P.C. § 187(a)

- c. Name and location of sentencing or committing court: Orange County Superior Court

- d. Case number: N/A

- e. Date convicted or committed: N/A

- f. Date sentenced: N/A

- g. Length of sentence: life

- h. When do you expect to be released? NEVER

- i. Were you represented by counsel in the trial court? ☒ Yes. ☐ No. If yes, state the attorney's name and address;

Douglas W. OTE

4. What was the LAST plea you entered? (check one)

☒ Not guilty
 ☐ Guilty
 ☐ Nolo Contendere
 ☐ Other: \_\_\_\_\_

5. If you pleaded not guilty, what kind of trial did you have?

☒ Jury
 ☐ Judge without a jury
 ☐ Submitted on transcript
 ☐ Awaiting trial

## 6. GROUNDS FOR RELIEF

**Ground 1:** State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (if you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

Senior hearing officer Lieutenant J. Sigler violated my due process rights, by finding me guilty of a serious Rule violation for possession of stolen property and check fraud, despite the complete devoid of evidence to substantiate the finding of guilt.

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

I am filing this petition to challenge the finding of my guilt in a serious Rule violation 115 and the sanction of a loss of good time day credit of 150 days. In the interest of brevity, I had not spoken to my brother Bret Janoe in over 20 years; nor was Bret Janoe one of my approved visitors; nor had I used the telephone to speak to Bret Janoe. Apparently starting at the end of April 2006 until June 2006 Bret was mailing stolen money orders and/or checks in my Name to Calipatria state prison. see exhibit A, b, c.

On July 12, 2006 I was issued a serious Rule violation, see exhibit D, for the possession of stolen property and check fraud. The court will note @ p.2 of exhibit D, the sixth paragraph, officer Crittendon admits, I was not in a position to view the fraudulent money order and/or checks as they arrived at the institution trust account office, who would process these fraudulent money orders and/or checks on to my account and forward the empty Cont. p.4

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

The question I present to the court, is there any evidence in the CDCR record they based my guilt on, that I knew the money orders and/or checks Bret Janoe was mailing to the institution in my Name, were stolen?

Cont. p. 7

envelope to me. Once I started to receive these empty envelopes from Bret, I did write him at the return address on the envelope, see exhibit A, @p. 1-2.

Approximately June 20, 2006 officers Crittendon; Canada; and sergeant Rutledge searched my assigned cell and confiscated six envelopes the trust account office had processed and forwarded to me, from Bret, see exhibit D, @p. 3. Approximately 15 or 11 physically altered money orders and/or checks were processed onto my trust account, as funds available for me to spend, see exhibit D, @p. 4.

Officer Canada states on June 13, 2006 he received two envelopes from the trust account office technician W. Neziuk, with two checks in one envelope "medicare payment" and one check from east valley water district in the other envelope with a two page letter to me from Bret. Officer Canada states he put both envelopes; three checks; and the two page letter in the evidence locker #10 at central control. So the only letter Bret wrote me, was confiscated as it arrived at the institution by officer Canada. Apparently in July 2006 another envelope arrives with two physically altered money orders inside and they were not processed onto my trust account, but were confiscated, see exhibit D, @p. 5; @p. 1.

The Crime/Incident report, see exhibit E @p. 2 second paragraph, explains the California dept. of corrections theory of events. Also included is the narrative from trust account worker P. Weitzel; officer Crittendon; and officer Canada.

The hearing on the serious Rule violation 115, see exhibit F was held in front of Lieutenant J. Sigler. I plead not guilty and submitted three declarations, see exhibit A; B; and C to explain what occurred, as to the best of my knowledge. In exhibit F, @p. 5, I inquire, at paragraph nine, about the process of receiving mail coming into the